

EXHIBIT E

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

JOSÉ SANCHEZ RAMOS

Plaintiff,

v.

BAWADI, INC. *et al.*,

Defendants

Case No. 1:17-cv-924-LMB-TCB

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' FIRST SET OF INTERROGATORIES**

1. State the name of everyone who helped you answer these interrogatories. Please provide the name, address and phone number of everyone who assisted in answering these interrogatories.

Answer: Objection to the extent this request seeks privileged attorney-client communications and privileged work product. Subject to that objection: Nicholas Marritz and Hallie Ryan.

2. Please describe how you first met Khalid Mekki or any other officer of Bawadi Inc?

Answer: Objection to the request to describe how Plaintiff first met "any other officer of Bawadi Inc," as Plaintiff does not know who all of Bawadi Inc.'s officers are and as such, is unable to answer as to those individuals. Subject to that objection:

I first met Khalid Mekki around November 2015, when I worked at Bawadi's in-house bakery for a few days. I worked there for about four days, for about four hours each day, making desserts. I do not know who any other officers of Bawadi are, so I cannot describe how I first met them.

3. Please provide the details of when you first started working at Bawadi. Please provide the month and year that you started working at Bawadi.

Answer: Objection to the request to provide the “details” as overbroad, vague and ambiguous. Consistent with this objection, plaintiff will provide the month and year that he started working at Bawadi, based on his best recollection and ability. Subject to that objection:

I first started working at Bawadi around November 2015, when I worked at Bawadi’s in-house bakery for a few days. My brother Juan had told me about the job. I worked there for about four days, for about four hours each day, making desserts. I then started working as a food-preparation worker and cook in the restaurant kitchen around September 2016.

4. Please provide the name of the person who hired you to work at Bawadi.

Answer: Khalid Mekki.

5. Please provide the hours you worked at Bawadi restaurant since you started working at Bawadi. Please provide the hours for each week that you worked.

Answer: Objection to the request to “provide the hours you worked at Bawadi restaurant since you started working at Bawadi restaurant” as calling for a duplication of information already provided to Defendants by Plaintiff. *See* Plaintiff’s Initial Disclosures (served on January 12, 2018). Subject to that objection:

- Around November 2015, I worked for about 16 hours: 4 hours a day for 4 days.
- From around September 2016 to around March 12, 2017, I worked about 72.5 hours a week—12 hours each day (10 a.m. to 10 p.m.), 6 days a week, plus an average of about one-half (0.5) hour of off-the-clock work on the weekends.
- From around March 12, 2017 to around May 5, 2017, I worked about 63.5 hours a week—four 12-hour days (10 a.m. to 10 p.m.), two 7-to-8-hour days (10 a.m. to between 5 and 6 p.m.), plus an average of about one-half (0.5) hour of off-the-clock work on the weekends.
- During the two weeks in May 2017 when Bawadi was closed to the public due to fire, I worked at least 15 or 20 hours per week.
- During my last week of work—around May 19 to 23, 2017—I worked about 47.5 hours:

On May 19 I worked from around 10 a.m. to 7:30 p.m., and on May 20–22 from around 10:00 a.m. to 10:00 p.m. On May 23 I worked for about 2 hours (10 a.m. to 12:00 p.m.).

6. Please describe in detail what your duties were at Bawadi.

Answer: Objection to the request to “describe in detail” as overbroad, vague and ambiguous. Consistent with this objection, Plaintiff will list his basic duties while employed at Bawadi, Inc. Subject to that objection:

I worked as a food-preparation worker and as a cook. I usually began my day by preparing and cooking hot foods to be served at the lunch buffet. I would also prepare containers of condiments and salad ingredients, cook rice, make sauces, and put whole chickens in the oven. Then from about 11 a.m. to closing time, I would prepare and cook food orders for customers of the restaurant. At the end of my shift I would clean my workstation and put any unused foods into storage.

7. If you claim that you worked overtime, please provide the weeks that you worked overtime and the hours.

Answer: Objection to the request to “provide the hours you worked at Bawadi restaurant since you started working at Bawadi restaurant” as calling for a duplication of information already provided to Defendants by Plaintiff. See Plaintiff’s Initial Disclosures (served on January 12, 2018). Subject to that objection:

- From around September 2016 to around March 12, 2017, I worked about 32.5 hours of overtime a week.
- From around March 12, 2017 to around May 5, 2017, I worked about 23.5 hours of overtime a week.
- During my last week of work—around May 19 to 23, 2017—I worked about 7.5 hours of overtime.

8. Please identify any documents in which overtime was authorized.

Answer: I do not have personal knowledge of any responsive documents.

9. What was your understanding of your pay? How much were you going to be paid and how were you going to be paid?

Answer: Objection to the request to describe Plaintiff's "understanding" as overbroad, vague and ambiguous. Subject to that objection:

When Defendant Mekki hired me, he told me I would be paid a flat weekly wage and that I would be paid every two weeks. My weekly wage rate started at \$500 per week. Around the end of September 2016, my wage rate rose to \$550 per week. Around December 2016, my wage rate increased to \$600 per week, where it remained until the end of my employment.

10. Did Khaled Mekki or any other officer or manager of Bawadi promise or inform you of an hourly rate for your work?

Answer: Objection to the request to describe communications with "any other officer or manager of Bawadi" as vague and ambiguous. Plaintiff will provide an answer as to Defendant Mekki and any other individual for which Defendant provides a name. Subject to that objection: No.

11. Please identify all persons (with the exception of your legal counsel) with whom you have discussed that you were not paid for overtime pay problems alleged in the Complaint, and for each person describe when you discussed the pay problems, the place where the discussion occurred, and specifically what you discussed with each person.

Answer: Objection to the extent this request seeks privileged attorney-client communications and privileged work product. Subject to that objection:

On a few occasions over the course of my employment, my coworker Celestino Gomez and I would mention to each other that we were working a lot of hours and not getting paid overtime. These conversations took place in the restaurant. I cannot remember the dates of these conversations.

12. If you claim that you were not paid for overtime work, why did you continue to work at Bawadi?

Answer: Objection to the request as it seeks information irrelevant to any party's claim or defense. In addition, the request is overbroad, vague, ambiguous, and unduly burdensome, as it encompasses the infinite factors involved in a person's decision-making process and is therefore impossible to answer. Subject to that objection:

At the time, I did not understand that I had a right to overtime.

13. Please identify all persons (with the exception of your legal counsel) with whom you have discussed the pay problems alleged in paragraphs 34-42 of the Complaint, and for each person describe when you discussed the pay problems, the place where the discussion occurred, and specifically what you discussed with each person.

Answer: Objection to the extent this request seeks privileged attorney-client communications and privileged work product. Subject to that objection:

I often discussed these pay problems with other workers at Bawadi over the course of my employment there, because the problems were widespread among the staff. These conversations took place at the restaurant. These conversations often took place on pay days because many workers had the same pay day, and so we would complain amongst ourselves that our pay was late, or short, or that we had to track down Khalid Mekki to get it. I cannot remember the dates of these conversations, or what particular problem I discussed with what person on any specific occasion.

Here is a list of some of the workers with whom I discussed the pay problems at Bawadi. I do not know most of their phone numbers or (with the exception of my brother) their addresses. In some cases, I do not know their full names, or am not sure about the spelling of their names, or may be misremembering their names. Defendants have access to this information.

- Abigail Solis
- Ahmed (last name unknown)
- Ali (last name unknown)
- Celestino Gomez: (571) 606-2349
- Cindi Reyes
- Ingris Reyes
- Israel Argueta: (571) 276-4545
- Juan Francisco Sanchez Ramos, 504-9936-2819, Colomoncagua, Intibucá, Honduras
- Mirta de Leon: (571) 500-4501
- Yamilet Ramos

14. Did you ever object to being paid in cash? If so, please identify the person(s) you complained to and when you complained?

Answer: Objection to the request as it seeks information irrelevant to any party's claim or defense. Subject to that objection: I never objected to being paid in cash.

15. Did you claim the income earned at Bawadi on your federal and state taxes? If your answer is yes, then for which years did you claim the income?

Answer: Objection to the request as it seeks information irrelevant to any party's claim or defense and an invasion of privacy. In addition, this request attempts to discover Plaintiff's immigration status, and as such, is irrelevant, and its prejudicial and *in terrorem* effects outweigh any relevance.

16. Are you in the United States in a legal status?

Answer: Objection to the request as it attempts to discover Plaintiff's immigration status, and as such is irrelevant, and its prejudicial and *in terrorem* effects outweigh any relevance.

17. How did you first enter the United States?

Answer: Objection to the request as it attempts to discover Plaintiff's immigration status, and as such is irrelevant, and its prejudicial and *in terrorem* effects outweigh any relevance.

18. Have you ever worked for another employer in the United States where you were paid in cash?

Answer: Objection to the request as it seeks irrelevant information outside the scope of the current litigation. *See e.g. Rosas v. Alice's Tea Cup, LLC*, 127 F. Supp. 3d 4, 12 (S.D.N.Y. 2015). Subject to that objection: Yes.

19. If your answer to Interrogatory No 18 is yes, then please provide:

- a. Name of the employer or employers
- b. Dates of employment
- c. Address of the employer
- d. Name, address and phone number of your supervisor

Answer: Objection to the request as it seeks irrelevant information outside the scope of the current litigation. *See e.g. Rosas v. Alice's Tea Cup, LLC*, 127 F. Supp. 3d 4, 12 (S.D.N.Y. 2015).

20. Please name all lawsuits that you have been a party to including:

- a. Case Name
- b. Docket Number

- c. Court of Jurisdiction
- d. Outcome of the Case

Answer: This is the only lawsuit to which I have ever been a party.

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2018, I served a copy of Plaintiffs' Response to Defendants' Request for Admissions via U.S. Mail and email at the following addresses:

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January 29, 2018

Respectfully Submitted,

/s/

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